

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 884**

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**Introduced by Senator Lowenthal**

**(Coauthors: ~~Senators Harman, Kehoe, Romero, Torlakson, and Wiggins~~)**

**(Coauthors: ~~Assembly Members Blakeslee, Huff, Huffman, Krekorian, Laird, Portantino, and Wolk~~)**

February 23, 2007

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~~An act to amend Sections 82002, 82039, and 86300 of the Government Code, and to amend Section 30325 of the Public Resources Code, and to add Section 30327.5 to the Public Resources Code, relating to coastal resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 884, as amended, Lowenthal. California Coastal Commission: ~~administrative actions: gift or gratuity.~~

*The California Coastal Act of 1976 prohibits a commission member or alternate from making, participating in making, or in any other way attempting to use his or her official position to influence a commission decision about which the member or alternate has knowingly had an ex parte communication, and which has not been reported as required by the act.*

*This bill would prohibit a commission member from accepting a gift or any form of gratuity from an applicant for approval of a coastal development permit, a person hired by an applicant regarding any business before the commission, a business partner of an applicant, or a person who has any business before the commission.*

~~(1) The Political Reform Act of 1974 generally defines “administrative action” to mean the proposal, drafting, development, consideration, amendment, enactment, or defeat by a state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding.~~

~~This bill would provide that an “administrative action” for purposes of proceedings before the California Coastal Commission also includes the proposal, drafting, development, consideration, amendment, enactment, or defeat of any permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusion from coastal development permit requirements, cease and desist order, restoration order, or any other quasi-judicial matter requiring commission action.~~

~~(2) The Political Reform Act of 1974 defines a “lobbyist” as an individual, among other things, whose principal duties as an employee are to communicate with, among others, an agency official for the purpose of influencing legislative or administrative action. The act also defines an “agency official” as any member, officer, employee, or consultant of any state agency who as part of his or her official responsibilities participates in any administrative action in other than a purely clerical, secretarial, or ministerial capacity.~~

~~This bill would, for purposes of a quasi-judicial matter before the California Coastal Commission, provide that an “agency official” only means a member of the commission.~~

~~The bill would also provide that “lobbyist” does not include an individual who communicates with a member of the California Coastal Commission for compensation to advocate for an outcome in relation to no more than one quasi-judicial administrative action during a calendar year.~~

~~(3) Existing law relating to lobbyists contained in the Political Reform Act of 1974 excludes, among others, employees of the State of California acting within the scope of their employment from the definition of “lobbyist.”~~

~~This bill would also exclude from the definition of “lobbyist” for those purposes, an employee of a local government agency seeking, within the scope of his or her employment, to influence quasi-judicial decisions of the California Coastal Commission.~~

~~(4) The California Coastal Act of 1976 provides that nothing in the act prohibits any person or any interested person from testifying at a commission hearing, workshop, or other official proceeding, or from~~

~~submitting written comments for the record on a matter before the commission.~~

~~This bill would require that any person who communicates with the members of the commission regarding an administrative action of the commission, who qualifies as a lobbyist, is required to comply with specified requirements of the Political Reform Act of 1974.~~

~~Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.~~

~~This bill would impose a state-mandated local program by imposing criminal penalties on persons who violate the provisions of this bill.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(6) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: ~~yes~~ no.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 30327.5 is added to the Public Resources*
- 2     *Code, to read:*
- 3     *30327.5. A commission member shall not accept a gift or any*
- 4     *form of gratuity from an applicant for approval of a coastal*
- 5     *development permit, a person hired by an applicant regarding any*
- 6     *business before the commission, a business partner of an applicant,*
- 7     *or a person who has any business before the commission.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, April 9, 2007 (JR11)**

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